

## HOUSE BILL NO. 370

INTRODUCED BY J. COHENOUR

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS GOVERNING MOTOR CARRIER SAFETY STANDARD RULES AND THE ARREST AUTHORITY OF PEACE OFFICERS APPOINTED BY THE DEPARTMENT OF TRANSPORTATION; ALLOWING PEACE OFFICERS TO MAKE ARRESTS FOR CERTAIN SPEED LIMIT VIOLATIONS AND VEHICLE EQUIPMENT VIOLATIONS; AND AMENDING SECTIONS 61-10-154 AND 61-12-206, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-10-154, MCA, is amended to read:

**"61-10-154. Department of transportation to adopt motor carrier safety standards -- enforcement -- designation of peace officers -- duties -- violations.** (1) As used in this section, the terms "for-hire motor carrier", "private motor carrier", "gross vehicle weight rating", and "gross combination weight rating" have the same meaning as provided in 49 CFR 390.5.

(2) The department of transportation shall adopt, by rule, standards for safety of operations of:

(a) any for-hire motor carrier or any private motor carrier;

(b) any motor vehicle or vehicle combination used in interstate commerce that has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight, whichever is greater, of ~~10,001~~ over 10,000 pounds or more and that is not a farm vehicle operating solely in Montana;

~~(c) any motor vehicle or vehicle combination used in intrastate commerce that has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight, whichever is greater, of 26,001 pounds or more and that is not a farm vehicle operating solely in Montana;~~

(C) ANY MOTOR VEHICLE OR VEHICLE COMBINATION USED IN INTRASTATE COMMERCE THAT HAS A GROSS VEHICLE WEIGHT RATING, GROSS COMBINATION WEIGHT RATING, GROSS VEHICLE WEIGHT, OR GROSS COMBINATION WEIGHT, WHICHEVER IS GREATER, OF OVER 26,000 POUNDS AND THAT IS NOT A FARM VEHICLE OPERATING SOLELY IN MONTANA;

~~(d)(e)(D)~~ any motor vehicle that is designed or used to transport at least 16 passengers, including the driver, and that is not used to transport passengers for compensation;

~~(e)(d)(E)~~ any motor vehicle that is designed or used to transport at least nine passengers, including the

1 driver, for compensation; or

2 ~~(f)(e)~~(F) any motor vehicle that is used to transport hazardous materials of a type or quantity that requires  
3 the vehicle to be marked or placarded in accordance with federal hazardous materials regulations in 49 CFR, part  
4 172.

5 (3) Standards of safety adopted under this section must substantially comply, within allowed tolerance  
6 guidelines, to the federal motor carrier safety regulations and the federal hazardous material regulations as  
7 applied to motor carriers and vehicles transporting passengers or property in commerce.

8 (4) The department of transportation shall work with the highway patrol in the enforcement of safety  
9 standards adopted pursuant to this section. The highway patrol and the department of transportation shall  
10 cooperate to ensure minimum duplication and maximum coordination of enforcement efforts.

11 (5) In order to enforce compliance with safety standards adopted pursuant to this section, the department  
12 of transportation shall designate employees as peace officers. The designated employees must be employed in  
13 the administration of the motor carrier services functions of the department of transportation. Each employee  
14 designated as a peace officer may:

15 (a) issue citations and make arrests in connection with violations of safety standards adopted under this  
16 section;

17 (b) issue summons;

18 (c) accept bail;

19 (d) serve warrants for arrest;

20 (e) make reasonable inspections of cargo carried by commercial motor vehicles;

21 (f) enforce the provisions of Title 49 of the United States Code and regulations that have been adopted  
22 under Title 49 and make reasonable safety inspections of commercial motor vehicles used by motor carriers; and

23 (g) require production of documents relating to the cargo, driver, routing, or ownership of commercial  
24 motor vehicles.

25 (6) In addition to other enforcement duties assigned under 61-10-141 and this section, an employee of  
26 the department of transportation who is appointed as a peace officer pursuant to 61-12-201 or this section has:

27 (a) the same authority to enforce provisions of the motor carriers law as that granted to the public service  
28 commission under 69-12-203;

29 (b) the duty to secure or make copies, or both, of all bills of lading or other evidence of delivery for  
30 shipment of agricultural seeds, as defined in 80-5-120, that have been sold or are intended for sale in Montana

1 and to forward the copies to the department of agriculture within 24 hours of the date that the bill of lading was  
2 obtained; and

3 (c) the authority, if probable cause exists, to stop and inspect a supply tank connected to the engine of  
4 any diesel-powered motor vehicle operating on the public highways of this state in order to determine compliance  
5 with Title 15, chapter 70, part 3.

6 (7) A violation of the standards adopted pursuant to this section is punishable as provided in 61-9-512,  
7 and the court, upon conviction, as defined in 61-5-213, shall forward a record of conviction to the department  
8 within 5 days in accordance with 61-11-101.

9 (8) The department of transportation shall report to the revenue and transportation interim committee  
10 at least once each year on its enforcement of the provisions of Title 15, chapter 70, part 3, pursuant to the  
11 authority provided in subsection (6)(c) and on any impacts that enforcement has had on the state special revenue  
12 fund."

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14 **Section 2.** Section 61-12-206, MCA, is amended to read:

15 **"61-12-206. Offenses for which arrest authorized.** Employees designated or appointed as peace  
16 officers under 61-10-154 or 61-12-201 may make arrests for violations of the following statutory provisions:

17 (1) chapters 3, ~~and 5, AND 6~~ of this title, parts 1, 2, 3, and 7 of chapter 8 of this title, and chapter 9 of this  
18 title, but only if the vehicle involved is subject to 61-10-141 or 61-10-154;

19 (2) chapter 10 of this title;

20 (3) part 3, chapter 4, of this title;

21 (4) 15-24-201 through 15-24-205;

22 (5) Title 15, chapter 70, parts 2 and 3;

23 (6) 61-10-154 and safety rules adopted under that section;

24 (7) Title 69, chapter 12."

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